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EXAMINER

GREENE, DANIEL LAWSON

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/778,604	Applicant(s) MAGEE ET AL.	
	Examiner DANIEL L. GREENE	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16-18, 20, 21 and 23-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-18, 20, 21 and 23-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3694

DETAILED ACTION

1. Please note that both the Examiner of record and the art unit examining the application changed. Please address all further communications to Examiner Greene in Art Unit 3694.
2. Claims 1-14, 16-18, 20, 21 and 23-46 are pending. Applicants 12/11/2008 response to the previous Requirement for Restriction mailed 9/3/2008 is acknowledged and has been entered.

Response to Arguments

3. **Applicant's arguments received 12/11/2008 with regard to said Requirement for Restriction has been fully considered and are persuasive.**

Accordingly said requirement is hereby withdrawn because, for example, Applicant amended the claims such that they are now coextensive in scope. For example, a review of the current claims of record (received 12/11/2008) shows the following correlations:

Claims 1-14, 16-18, 20, 21, 23-31 and 45 are directed towards **a method** of using an automated financial transaction apparatus (known in the art as an Automated Transaction Machine, (ATM)), wherein the ATM adjusts its configuration based on a users preconfigured preferences.

Claims 32-44 and 46 now appear to be directed towards **an apparatus** used to perform the method steps recited in claims 1-14, 16-18, 20, 21, 23-31 and 45 and can be mapped to the method claims in the following manner:

Apparatus Claim	Method Claim
32	1

Art Unit: 3694

33	2+3
34	21
35	28, 31
36	24
37	1
38	1
39	2
40	3
41	26
42	29
43	2
44	1
46	45

4. Applicant's request to transfer the instant application to Art Unit 2876 has been considered and is denied for at least the following reasons:

First, the basic invention is a method of using an ATM which applicant claims to reallocate money among various financial accounts which is properly classified in 705/43 as reproduced immediately below.

Art Unit: 3694

**CLASS 705, DATA PROCESSING: FINANCIAL,
BUSINESS PRACTICE, MANAGEMENT, OR COST/PRICE
DETERMINATION**

- 1 **AUTOMATED ELECTRICAL FINANCIAL OR BUSINESS PRACTICE OR
MANAGEMENT ARRANGEMENT:**
- 35 **. Finance (e.g., banking, investment or credit):**
- 39 **.. Including funds transfer or credit transaction:**
- 42 **... Remote banking (e.g., home banking):**
- 43 **.... Including Automatic Teller Machine (i.e., ATM):**

Second, said Restriction requirement has been withdrawn.

Accordingly, the claimed invention appears properly classified and claims 1-14,
16-18, 20, 21 and 23-46 have been examined on the merits as set forth below.

5. Applicant's arguments received 5/14/2008 with regard to the claim rejections set forth in the previous Non-Final Office action mailed 1/17/2008 have been fully considered, but they are moot in view of the new grounds of rejection set forth below.

Drawings

6. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because they are hand drawn and do not comply with current USPTO regulations regarding drawings.

7. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application.

Art Unit: 3694

8. **For applicant's convenience, this requirement for corrected drawings will be held in abeyance until allowable subject matter is indicated.**

Claim Objections

9. Claim 45 is objected to because of the following informalities: in limitation (i) it appears the word "of" is missing between the words "use" and "the" in the limitation "...is permitted use the machine to ...". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. **Claims 21 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claim 21 recites the limitation "...at least one transaction function device...".

There is insufficient antecedent basis for this limitation in the claim. For examination purposes, the claim has been understood to read "...at least one automated financial transaction apparatus...".

Claim 32 recites the limitation "...wherein the at least one data has stored therein..." There is insufficient antecedent basis for this limitation in the claim. For examination purposes, the claim has been understood to read "...wherein the at least one data store has stored therein...".

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

12. Claims 1-13, 32, 33, 37, 38-40, and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO/1998/024041 to Drummond et al. (Drummond) in view of US Patent 5,765,910 to Larkin et al. (Larkin) and further in view of US Patent 6,131,874 to Vance et al. (Vance)

Regarding claims 1 and 32, 37, 38 and 44, Drummond clearly sets forth inter alia:

an automated financial transaction apparatus that dispenses cash(known in the art as an ATM) and a method of using said ATM in, for example, page 1, lines 9+,

a data store storing data associated with each respective user of the ATM (page 6, lines 6-16)

a computer in operative connection with at least one “data store” (Page 6, lines 17-26)

a reading device (page 5, lines 1-2), and

a display screen (page 4 lines, 26+).

Accordingly, it is considered that Drummond as explained above sets forth the physical apparatus claimed.

Art Unit: 3694

Drummond does not appear to expressly disclose the method steps of:

- a. storing data corresponding to at least one characteristic feature or interface parameter of each user,
- b. sensing with a reading device at least one characteristic feature of a user adjacent to the machine,
- c. determining the at least one interface parameter, and
- d. moving the display screen of the ATM responsive to said interface parameter.

However, Drummond does teach storing data corresponding with users of a financial system because users must already have an account at a financial institution in order to use the system disclosed. That is, in order to take money out of an ATM, one must already have an account AND money in the account to which the ATM can provide access. Further, information must be stored on any “card” used to activate the ATM.

Larkin teaches a programmable work station including automatic positioning of various components of a workstation (including height of the display (16)) for ergonomic benefits to the user in, for example, the Abstract, Figures, the Summary in Col. 2 lines 50+ (reproduced below), etc.

50

SUMMARY OF THE INVENTION

Accordingly, it is a general object of the present invention to provide an improved work station. It is a more particular object of the present invention to provide an improved work
55 station which tends to minimize or prevent injury to the user resulting from limited and repetitive motion.

In accordance with the present invention, there is provided a programmed motion work station comprising: a worktable having a work surface and means for supporting
60 the work surface; a chair having a seating surface; and motion means for raising and lowering the seating surface of the chair in accordance with a long term gradual motion profile.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the ATM taught by Drummond with the teachings of Larkin to allow various components of said ATM to be automatically moved for the benefits of, for example, minimizing repetitive motion maladies.

The combination of Drummond and Larkin above does not disclose that a reading device is used to sense a characteristic feature of a user adjacent to the ATM.

Vance teaches it is known in the display art to move or tilt the display of an apparatus for at least ergonomic benefits. Further, Vance expressly discloses a reading device comprising a camera in, for example, Fig. 3, Col. 1, lines 18-26, Col. 2 lines 27-45 (reproduced immediately below), etc. which is sensing at least one characteristic feature (height) of a user adjacent to the apparatus.

Art Unit: 3694

Referring now to FIG. 3, this illustrates a third embodiment of the display system in the form of a base 30, a post 32 supporting a tilting display head 32, and a tilt motor 33.

30 Incorporated within the tilting display head 32 is a user-detecting camera 34 and a display monitor 35, together with the necessary wiring and connections. The camera 34 and its associated mechanisms are shown separately in FIG. 4.

In operation of the third embodiment, a user approaches
35 the kiosk and the display head 32 will automatically adjust to the height of the user's eyes, so that the display monitor 35 is in clear view for the user to see and operate. Such adjustment is achieved by means of the camera 34 tracking the user, by detecting the user's head shape and/or eye
40 blinking. This activates the tilt motor 33 which adjusts the display head 32 by pivoting about a substantially horizontal axis until the camera 34 has focused on the user's eyes.

The means for adjusting the camera 34 can be automatic or manual.

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At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combination of Drummond and Larkin as set forth above, with the teachings of Vance to arrive at an ATM that not only automatically moves itself, but does so in relation to a characteristic feature of the user. One would have been motivated to do this for the benefits of, for example, moving the display screen to the most suitable viewing position.

Drummond as modified by Larkin and Vance does not appear to expressly disclose that data corresponding to at least one characteristic feature and interface parameter is stored in at least one data store, however Drummond does teach that data corresponding to users preferences are stored in a data store as this is how Drummond is

Art Unit: 3694

able to “provide a user with a familiar interface from their home institution at banking machines operated by other institutions.” (Drummond, page 1, lines 1-5)

At the time of the invention, it would have been obvious to one of ordinary skill in the art to utilize the teachings of Drummond with respect to storing/saving preferences, and to modify in Drummond as modified above. One would have been motivated to do this for the benefit of, for example, saving time (since preferences can be accessed at the same time as account information), security measures (i.e. characteristic features can be used to verify the user), eliminating repetitive entering of data (having to enter the same data into different ATM's), etc.

Accordingly, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Drummond to:

- a. store data characteristic of a user,
- b. sense a characteristic feature of a user
- c. compare the stored data with the sensed data, and
- d. reconfigure the ATM (i.e. move the display) based on said stored, sensed and compared data.

One would have been motivated to do this for the benefits of ergonomics, clarity of viewing data, as well as such an incorporation would allow Drummond to have an ATM with the convenience and flexibility that enable disabled individuals to enjoy the freedom, equal access, and same opportunities that are available to non-disabled individuals both in the banking environment and other aspects of daily life.

Regarding claims 2-4, 33, 39, 40 and 43, Larkin clearly disclose height adjustment of the display and Vance clearly discloses tilting the display in the combination set forth above.

Regarding claim 5, Drummond teaches, The method according to claim 1 and further comprising e) providing responsive to operation of the computer, at least one output through the display screen responsive to the at least one interface parameter associated with the user (page 29, lines 11-30, page 30, lines 1-16, page 33, lines 26- 30, page 34, lines 1-30, page 35, lines 1-3 and lines 26-30, and page 36, lines 1-21).

Regarding claim 6, Drummond teaches, The method according to claim 5 wherein in step (e) the at least one output includes text material, and wherein size of the text material included in the at least one output is determined responsive to the at least one interface parameter (page 37, lines 3-30, page 38, lines 1-30, and page 39, lines 1-8).

Regarding claim 7, Drummond teaches, The method according to claim 5 wherein in step (e) the at least one output includes an icon, and wherein size of the icon included in the at least one output is determined responsive to the at least one interface parameter (page 39, lines 9-30 and page 40, lines 1-21).

Regarding claim 8, Drummond teaches, The method according to claim 5 wherein in step (e) the at least one output includes text material, and wherein language of the text material is determined responsive to the at least one interface parameter (page 16, lines 13-22 and page 18, lines 6-15).

Regarding claim 9, Drummond teaches, The method according to claim 5 wherein in step (e) the at least one output includes at least one numeral, and wherein size

of the at least one numeral is determined responsive to the at least one interface parameter (page 43, lines 22-30, page 44, lines 1-4, and fig. 28 (942).

Regarding claim 10, Drummond teaches, The method according to claim 5 wherein in step (e) the at least one output includes at least two colors, and wherein at least one of the colors is determined responsive to the at least one interface parameter (page 20, lines 26-31 and page 21, lines 1-3).

Regarding claim 11, Drummond teaches, The method according to claim 5 wherein in step (e) a sequence comprising a plurality of outputs are presented, and wherein the sequence is determined responsive to the at least one interface parameter (page 12, lines 1-28).

Regarding claim 12, Drummond teaches, The method according to claim 1 and further comprising: e} controlling at least one audio output device in operative connection with the apparatus, responsive to the at least one interface parameter associated with the user (page 28, lines 3-15 -a modem is an audio device).

Regarding claim 13, Drummond failed to teach, The method according to claim 12 wherein in step (e) the volume of the at least one audio output device is controlled responsive to the at least one interface parameter.

Vance teaches, The method according to claim 12 wherein in step (e) the volume of the at least one audio output device is controlled responsive to the at least one interface parameter (col. 3, lines 10-26 and lines 32-38). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of

Art Unit: 3694

Vance in Drummond because such incorporation would allow Drummond to have a phone that eliminates the need for visual prompts for the blind and the hearing impaired.

Regarding claims 45 and 46, Drummond discloses an ATM which has a cash dispenser, reads first data (financial information) from a data bearing record (bank card), compares the data to determine authorization to use the system, reads second data (i.e. personal pin), compares that data to determine authorized use of the ATM, wherein it is understood that these are nothing more than the de facto method of accessing financial information via an ATM.

13. Claims 14, 16-18, 20, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drummond as modified and applied to claims 1-13, 32, 33, 37, 38-40, and 44-46 above and further in view of US Patent 5,589,855 to Blumstein et al, (Blumstein).

Regarding claim 14, Drummond as modified does not appear to teach the method according to claim 12 and prior to step (c) further comprising the step of: connecting a portable audio output device associated with the user to a connector in operative connection with the apparatus.

Blumstein teaches, connecting a portable audio output device associated with the user to a connector in operative connection with the apparatus (col. 3, lines 52- 59).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Blumstein in Drummond as modified because such an incorporation would allow Drummond as modified to aid a disabled user

Art Unit: 3694

by responding to a touch which generates a sound indicating that the user has touch an undefined zone.

Regarding claim 16, Drummond as modified does not appear to teach the method according to claim 12 wherein step (e) includes making a handset accessible to the user.

Blumstein teaches, making a handset accessible to the user (col. 1, lines 39-41).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Blumstein in Drummond because such an incorporation would allow Drummond to assist the hearing impaired individuals to perform nearly all banking using a touch-tone phone and eliminating the need for visual prompts by using an accessible volume control handset.

Regarding claim 14, Drummond as modified does not appear to teach the method according to claim 12 wherein step (e) includes generating white noise through the at least one audio output device.

Blumstein teaches, generating white noise through the at least one audio output device. (col. 1, lines 39-41, col. 2, lines 18-36, and col. 3, lines 9-12).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Blumstein in Drummond because such incorporation would allow Drummond to have sound cues or beeps in a similar way that current ATMs audibly interact with individuals who are not visually impaired.

Regarding claim 18, Drummond as modified does not appear to teach method according to claim 1 and further comprising: e) controlling at least one audio input device

Art Unit: 3694

in operative connection with the apparatus, responsive to the at least one interface parameter associated with the user.

Vance, however teaches, controlling at least one audio input device in operative connection with the apparatus, responsive to the at least one interface parameter associated with the user in for example, col. 3, lines 10-26 and lines 32-38.

Further, Blumstein teaches, controlling at least one audio input device in operative connection with the apparatus, responsive to the at least one interface parameter associated with the user in, for example, col. 3, lines 54-59 and lines 64-67 and col. 4, lines 1-2.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Vance and Blumstein in Drummond because such incorporation would allow Drummond to have a sound indicating that a user has touched the display screen in an undefined zone.

Regarding claim 20, Drummond as modified does not appear to teach the method according to claim 1 and further comprising: e) activating input capability of at least one tactile input device in operative connection with the apparatus, responsive to the at least one interface parameter associated with the user.

Blumstein teaches, activating input capability of at least one tactile input device in operative connection with the apparatus, responsive to the at least one interface parameter associated with the user (col. 3, lines 54-59 and lines 64-67 and col. 4, lines 1-2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Blumstein in Drummond because

Art Unit: 3694

such a modification would allow Drummond to have a sound indicating that a user has touched the display screen in an undefined zone.

Regarding claims 21 and 34, Drummond teaches, The method according to claim 20 wherein the tactile input device includes a keypad, wherein in step (e) inputs to the keypad are operative to control at least one transaction function device in operative connection with the computer (page 31, lines 4-10).

Regarding claim 23, Drummond teaches, The method according to claim 19 and further comprising: f) rendering the display screen inoperative to show transaction information responsive to the at least one interface parameter associated with the user (page 36, lines 12-13).

14. Claims 24-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drummond as modified and applied to 1-13, 32, 33, 37, 38-40, and 44-46 above and further in view of US Patent 6,023,688 to Ramachandran et al, (Ramachandran).

Regarding claims 24 and 36, Drummond as modified above does not appear to expressly teach the method according to claim 1 wherein in step (a) the at least one characteristic feature for each user corresponds to an appearance feature.

Ramachandran teaches, the at least one characteristic feature for each user corresponds to an appearance feature (col. 6, lines 59-67 and col. 8, lines 32-38).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Ramachandran in Drummond because

Art Unit: 3694

such an incorporation would allow Drummond to have facial recognition by obtaining the image input signals corresponding to the appearance of the user's face, head and/or upper body and storing the data in a data store for future use.

Regarding claim 25, Drummond as modified above does not appear to expressly teach the method according to claim 24 wherein in step (a) the appearance feature includes at least one feature of facial appearance.

However Vance teaches, The method according to claim 24 wherein in step (a) the appearance feature includes at least one feature of facial appearance (col. 3, lines 32-38) and Ramachandran teaches, the appearance feature includes at least one feature of facial appearance (col. 4, lines 30-36).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Vance and Ramachandran in Drummond because such an incorporation would allow Drummond to have an identification means that can identify a user through their appearance and voice inputs and requires no card or PIN data to accomplish a banking transaction.

Regarding claims 26 and 41, Drummond as modified above does not appear to expressly teach the method according to claim 24 wherein in step (a) the appearance feature includes eye appearance.

Vance teaches, The method according to claim 24 wherein in step (a) the appearance feature includes eye appearance (col. 2, lines 34-42) and Ramachandran teaches, the appearance feature includes eye appearance (col. 1, lines 59-65).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Vance and Ramachandran in Drummond because such incorporation would allow Drummond to have an authorized user identified by a unique pattern associated with the iris of their eyes when operating a financial transaction machine.

Regarding claim 25, Drummond as modified above does not appear to expressly teach the method according to claim 24 wherein in step (a) the appearance feature includes at least a portion of at least one fingerprint.

Ramachandran teaches, the appearance feature includes at least a portion of at least one fingerprint (col. 1, lines 51-59).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Ramachandran in Drummond because such incorporation would allow Drummond to have a means of identifying a user as a proper user of the financial transaction machine without requiring an encoded card and PIN data to be used for identification.

Regarding claims 28 and 35, Drummond as modified above does not appear to expressly teach the Claim 28. Drummond and Blumstein failed to teach, The method according to claim 24 wherein in step (a) at least one characteristic feature for each user corresponds to both an appearance feature and a voice feature.

Vance teaches, The method according to claim 24 wherein in step (a) at least one characteristic feature for each user corresponds to both an appearance feature and a voice feature (col. 3, lines 10-23) and Ramachandran teaches, at least one characteristic feature

Art Unit: 3694

for each user corresponds to both an appearance feature and a voice feature (col. 4, lines 30-40).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Vance and Ramachandran in Drummond because such an incorporation would allow Drummond to have the capability to identify the user through their appearance and voice inputs without requiring the use of a card or PIN data to accomplish a transaction at a financial transaction machine.

Regarding claim 29, Drummond as modified above does not appear to expressly teach the method according to claim 1 wherein in step (a) the at least one characteristic feature for each user includes data included on an article adapted to be carried by the user.

However, Drummond teaches a card reader and associated bank card.

Ramachandran teaches, the at least one characteristic feature for each user includes data included on an article adapted to be carried by the user (col. 3, lines 35-46).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Ramachandran and Drummond in Drummond because such incorporation would allow Drummond to have user data encoded on a bank card corresponding to the user such as a unique number which may be a social security number of account number with the data further including data corresponding to an appearance feature of the user..

Regarding claim 30, Drummond as modified above does not appear to expressly teach the method according to claim 29 wherein in step (a) the data corresponds to an account number associated with the user.

However, Drummond teaches a card reader and associated bank card.

Ramachandran teaches, the data corresponds to an account number associated with the user (col. 3, lines 39-41 and col. 7, lines 8-13).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of both Ramachandran and Drummond in Drummond because such incorporation would allow the bank card of Drummond to have an identity number that is unique such as a social security number or account number that corresponds to a user's appearance feature.

Regarding claims 31 and 36, Drummond as modified above does not appear to expressly teach the method according to claim 1 wherein in step (a) at least one characteristic feature of each user corresponds to a voice feature of the user.

Vance teaches, at least one characteristic feature of each user corresponds to a voice feature of the user (col. 3, lines 10-24) and Ramachandran teaches, at least one characteristic feature of each user corresponds to a voice feature of the user (col. 7, lines 1-7). It would have been obvious to one having ordinary skill in the art at the time the invention was made incorporate the teachings of Vance and Ramachandran Drummond because such an incorporation would allow Drummond to have the user's voice with a particular characteristic and a particular password that is selected by the user and to be generated and stored using automatic speech recognition software.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. US Patent 6,330,502 to Cetinkunt et al. discloses modifying a machine based on users preferences.

17. U.S. Patent to Favot et al. discloses a machine that interacts with users.

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL L. GREENE whose telephone number is (571)272-6876. The examiner can normally be reached on Mon-Thur.

Art Unit: 3694

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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2009-03-29

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